THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No.168 of 2006

Dated 02-03-2006

Between:

M/s Karyon Laboratories Private Limited, Krishna District.

..... PETITIONER

AND

The Women Development and Child Welfare, rep. by its Commissioner, Hyderabad and four others.

.....RESPONDENTS

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No.168 of 2006

O R D E R:

This writ petition is filed seeking to declare the action of the third respondent-Project Director, District Women and Child Welfare Development, in not receiving the second consignment of 810 kits of I.F.A. tablets as illegal and arbitrary and consequently to direct the third respondent to receive the said tablets.

As could be seen from the material on record, it is not in dispute that the petitioner is the successful bidder in the tenders invited by the third respondent for supply of I.F.A. tablets and his bid was accepted by proceedings dated 16-03-2004. It is also not in dispute that pursuant to the contract awarded, the petitioner has supplied 1610 kits of I.F.A. tablets out of 2420 kits and the petitioner was paid the value of the same. However, now the dispute is with regard to 810 kits, which could not be supplied by the petitioner for want of validity certificate from the Drugs Inspector. The petitioner states that though such validity certificate has already been obtained, the respondents have failed to receive the consignment with regard to 810 kits and, therefore, seeks a Mandamus as noted above.

In the counter-affidavit it has been stated by the third respondent that since the manufacture date of I.F.A tablets supplied by the petitioner would be expired by the end of March, 2006, the same are not useful for distributing among the Anganwadi centers in the Project in view of health point of women and adolescent girls. It is

also stated that in order to use the I.F.A. tablets before expiry of the validity period, it is necessary to distribute the same among the Anganwadi workers before a period of minimum three months from the date of expiry date.

Having heard the learned counsel for both the parties and since admittedly no sufficient time is left for distribution of 810 kits of I.F.A. tablets yet to be supplied by the petitioner, I am unable to find fault with the action of the respondents in not receiving the balance of 810 kits of I.F.A. tablets from the petitioner. It is always open to the petitioner to workout the appropriate remedy for damages or for any other appropriate relief, but no Mandamus can be issued to the third respondent compelling to purchase the tablets the validity period of which expires by 31-03-2006.

Accordingly, granting liberty to the petitioner to work the appropriate remedy for redressal of its grievance, the writ petition is disposed of. No costs.

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(G. ROHINI, J)

Date:02-03-2006

ghn